

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsuneji Suzuki <i>et al.</i>)	Confirmation No. 7720
)	
Application No. 10/049,666)	Group Art Unit: 1612
)	
Filed: February 15, 2002)	Examiner: Gollamudi S. Kishore
)	
For: Pharmaceutical Agent Comprising a)	
Benzamide Derivative as Active Ingredient)	<u>Date: September 2, 2008</u>

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES


Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated March 5, 2008 of the Examiner's rejection of claims 44 to 49.

The Commissioner is hereby authorized to charge **\$510.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying fee transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 2, 2008**
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Respectfully submitted,
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